

**CITY OF AUBURN**  
**APPLICATION FOR SIDEWALK CAFE PERMIT**

**Fee: \$20.00 per year**

\*Completed Applications need to be submitted to the  
City Clerk's Office, first floor, Memorial City Hall, 24 South St. Auburn, NY 13021

Applicant Name \_\_\_\_\_

Applicant Address \_\_\_\_\_

Applicant Phone # \_\_\_\_\_

Business Name \_\_\_\_\_

Business Address \_\_\_\_\_

Business Phone \_\_\_\_\_

Owner of Property \_\_\_\_\_

Plan to cook or prepare food outside as part of cafe: \_\_\_\_\_ Yes \_\_\_\_\_ No

_____ Signature of Applicant	_____ Title	_____ Date
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Application Checklist:

1. Three (3) copies of Cafe Plan (**first time applicant only**).
2. Proof of all necessary insurance
  - \$500,000 CAL
  - \$500,000 OCP
  - 2a. \$100,000 Bodily Injury
  - \$100,000 Property Damage
  - \$100,00 Aggregate
3. Executed Hold Harmless Agreement.
4. Proof of Workers' Compensation and Disability Benefits cover for employees.
5. Space must be maintained to allow for passage of a wheelchair.
6. Operations must cease and area cleaned by 10:00 p.m. to accommodate residential occupants of nearby buildings.
7. \$20.00 License Fee. Check made payable to City of Auburn, Treasurer

## **SIDEWALK CAFE REGULATIONS**

**Revised May 1, 2014**

1. A sidewalk cafe shall be permitted upon application to the City Clerk's office, first floor, Memorial City Hall, 24 South Street in Auburn, NY.
2. A sidewalk cafe is defined as tables and chairs placed on the sidewalk or in the area between the sidewalk and the curb providing outdoor seating for the purpose of accommodating seated patrons of a restaurant located immediately adjacent to the cafe area.
3. A cafe in the public right-of-way shall be located in such a position that will allow the maintenance of at least four (4) feet of unobstructed hard-surfaced sidewalk between the cafe and any tree, bench, pole, sign, flower bed, or other obstacle in the public right-of-way. Space must be maintained to allow for passage of a wheelchair.
4. No signs shall be hung or attached to any portion of the cafe.
5. Hours of cafe operation shall be during the hours between 8:00 a.m. – 11:00 p.m. Operations must cease and area cleared by 11:00 p.m. to accommodate residential occupants of nearby buildings. All patrons must be vacated from the cafe by 11:00 p.m. and all furniture, utensils, containers or any other materials used in the operation of the cafe or within the area used by the cafe removed from the sidewalk cafe area. The sidewalk must be kept clean and free of grease, cooking residue, food scraps and litter at all times.
6. No music, from whatever source (acoustical, electric, or other) may be played on the premises outdoors between the hours of 8:00 p.m. and 9:00 a.m.
7. Sidewalk cafe includes facilities for the sale of food and non-alcoholic beverages, and shall not include facilities for sale of any other kind or type of goods, wares, merchandise or services. The granting of a license hereunder does not authorize the sale of alcoholic beverages. The State Liquor Authority has exclusive jurisdiction. A copy of your license from the State Liquor Authority shall be included with the application for a sidewalk café as well as proof of insurance. This license should reflect the State Liquor Authority's permission to serve alcoholic beverages at the Sidewalk Café.
8. Tables and chairs may not be chained or otherwise attached to street light poles, street trees, or other street appurtenances.
9. The applicant for a sidewalk cafe permit is responsible for providing ashtrays if smoking by their patrons is allowed. The sidewalk cafe area must be kept free from debris at all times.

10. The operator of a sidewalk cafe must display the hard copy permit card at all times in the ground floor window.
11. These regulations may be revised periodically as deemed appropriate by the City Manager.
12. The operator of a sidewalk cafe is responsible for complying with all conditions of the permit. Failure to adhere to any of the sidewalk cafe regulations and all other provisions of the Code of the City of Auburn, New York, County of Cayuga and State of New York may result in the revocation of the permit.
13. The Code Enforcement personnel and Police Department personnel may impose any other restrictions on the location, size or design of the cafe that, in their sole judgment, protects the health, safety and welfare of the public.
14. The City Manager of the City of Auburn reserves the right to revoke any issued Sidewalk Café Permit at any time. Any violation of these regulations or any other City, County, and State regulations governing this operation will result in immediate revocation of this permit.

## **PROCEDURE FOR ISSUANCE OF A SIDEWALK CAFE PERMIT**

1. Application for sidewalk cafe license is available at the City Clerk's Office. The application must be filled out and returned to the City Clerk's Office along with the following:
  - Cafe Plans – A drawing of the proposed cafe.  
An accurate sketch plan is required showing the front building wall, cafe area and sidewalk area out to the curb, including any and all obstructions. The sidewalk area immediately adjacent on each side of the subject property shall also be shown. Details of railing, canopy, etc. and a description of the method securing same to the sidewalk and the building will be required.
  - \$20.00 License fee to be paid when submitting applications, cafe plan and additional required certifications.
  - Additional certifications outlined in attached documents.

**PLEASE ALLOW 2 weeks to obtain approval.**

2. After receipt of application and plans by the City Clerk: Copy of application and plans will be sent to the Code Enforcement Office and Police Department for review of safety and location of the cafe. As part of the review process, seating capacity of the cafe area will be determined based on Municipal Code (15sf/person).
3. **AFTER APPROVAL OF PLANS AND BEFORE LICENSE MAY BE ISSUED:**
  - Insurance requirements – please see attached information.
  - Hold Harmless Agreement – enclosed.
  - Statement: For applicants to serve alcoholic beverages inside the premises but will not allow them on the sidewalk cafe.
4. Upon approval the City Manager shall issue a permit, valid for a period between Date of Permit and October 29 of the calendar year.
5. Applicant of the sidewalk cafe must display the hard copy permit card at all times in the ground floor window.

**NOTE:** Applications that do not match the definition of sidewalk cafe or mobile vendor requires special permit and review. Larger events (i.e. those which will require an entire Mall area or a street) require a separate permit for each event.

## **SIDEWALK CAFE INSURANCE REQUIREMENTS**

1. The City of Auburn requires Comprehensive General Liability Coverage in the amount of \$500,000 combined single limit (GLC) per occurrence.
2. The City of Auburn also requires an Owners and Contractors Protective Liability (OCP) in the amount of \$500,000 per occurrence with the City of Auburn as named insured.
3. The applicant may furnish a Comprehensive CGL in the amount of \$1,000,000 (\$1 Million) with the City of Auburn as additional insured and the OCP requirement will be waived.
4. A hold harmless agreement must be signed by the owner of the property.
5. Proof of required workers' compensation and disability insurance.
6. Acceptable insurance shall be from a company authorized to transact business in the State of New York and subject to the supervision and regulation of the New York State Department of Insurance.

**CITY OF AUBURN**

**INDEMNIFICATION/HOLD HARMLESS AGREEMENT**

**FOR SIDEWALK CAFE**

The sidewalk cafe operator agrees to fully indemnify, save and hold harmless the City of Auburn and all its officers, agents and employees from and against any and all liability of any type whatsoever including but not limited to any and all damages, expenses, causes of action, lawsuits, claims, penalties, fines, assessments of judgment relating to or arising out of or occurring in connection with any use of the City right-of-way between the curb and the operators building to be used as a sidewalk cafe.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Tenant

**ACKNOWLEDGEMENT (sign in presence of Notary Public)**

STATE OF NEW YORK   )  
COUNTY OF CAYUGA   ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public